

By: Guillen

H.B. No. 2667

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain occupations and activities; providing administrative penalties; requiring occupational licenses; authorizing fees; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. COURT-ORDERED EDUCATIONAL PROGRAMS

SECTION 1.001. Title 2, Government Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. COURT PROGRAMS REGULATION

CHAPTER 171. EDUCATIONAL PROGRAMS REGULATED BY TEXAS DEPARTMENT OF
LICENSING AND REGULATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 171.0001. DEFINITIONS. In this chapter:

(1) "Alcohol educational program for minors" means an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code.

(2) "Certificate of program completion" means a uniform, serially numbered certificate that is given by a program provider to a participant who successfully completes a court-ordered program.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Court-ordered program" means any of the following

programs:

(A) the alcohol educational program for minors;

(B) the drug offense educational program;

(C) the intervention program for intoxication;

(D) the intoxication offense educational

program; or

(E) the responsible pet owner program.

(5) "Department" means the Texas Department of
Licensing and Regulation.

(6) "Drug offense educational program" means an
educational program described by Section 521.374(a)(1),
Transportation Code.

(7) "Executive director" means the executive director
of the department.

(8) "Instructor" means a person licensed by the
department to instruct a court-ordered program.

(9) "Intervention program for intoxication" means an
educational program described by Article 42A.404, Code of Criminal
Procedure.

(10) "Intoxication offense educational program" means
an educational program described by Article 42A.403, Code of
Criminal Procedure.

(11) "Participant" means a person who attends a
court-ordered program.

(12) "Program provider" means a person licensed by the
department to offer or provide a court-ordered program.

(13) "Responsible pet owner program" means an

educational program described by Article 42A.511(a)(1), Code of Criminal Procedure.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION, DEPARTMENT, AND EXECUTIVE DIRECTOR

Sec. 171.0051. GENERAL POWERS AND DUTIES. The commission, department, or executive director, as appropriate, shall administer and enforce this chapter.

Sec. 171.0052. POWERS AND DUTIES OF DEPARTMENT. The department shall:

(1) prescribe the application form for a license under this chapter;

(2) evaluate the qualifications of applicants; and

(3) enforce minimum standards applicable to program providers, instructors, and court-ordered programs.

Sec. 171.0053. RULES. (a) The commission shall adopt rules necessary to administer and enforce this chapter.

(b) The department may consult with other state agencies in the development of rules under this section.

Sec. 171.0054. FEES. (a) The commission by rule shall set fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter, including fees for:

(1) the issuance or renewal of a license;

(2) the issuance of a certificate of program completion or a certificate number; and

(3) the curricula and materials used for a court-ordered program.

(b) A fee imposed by the department under this chapter is

1 not refundable.

2 (c) The department or the department's authorized
3 representative may collect a fee imposed under this chapter.

4 Sec. 171.0055. CODE OF ETHICS. The commission shall adopt
5 and publish a code of ethics for license holders.

6 Sec. 171.0056. ELECTRONIC TRANSMISSION OF PROGRAM
7 INFORMATION. The department may develop and implement procedures
8 to electronically transmit information regarding court-ordered
9 programs to municipal and justice courts.

10 Sec. 171.0057. DIRECTORY. (a) The department shall
11 maintain a directory of:

12 (1) program providers;

13 (2) instructors; and

14 (3) court-ordered programs.

15 (b) The department shall make the directory available to the
16 public.

17 Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. The department
18 may enter into a memorandum of understanding with the Department of
19 Public Safety, the Texas Department of Transportation, the Texas
20 Department of Criminal Justice, the Health and Human Services
21 Commission, the Department of State Health Services, or any other
22 appropriate state agency regarding the development of rules,
23 curricula, certificates of program completion, or certificate
24 numbers for court-ordered programs.

25 SUBCHAPTER C. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

26 Sec. 171.0101. COMPLAINTS. (a) Any person may file a
27 complaint with the department alleging a violation of this chapter

1 or a rule adopted under this chapter.

2 (b) The commission by rule shall establish methods by which
3 participants of a court-ordered program are notified of the name,
4 mailing address, telephone number, and Internet website address of
5 the department for the purpose of directing complaints regarding a
6 person or activity regulated under this chapter to the department.

7 Sec. 171.0102. ASSISTANCE WITH FILING COMPLAINT. The
8 department shall provide reasonable assistance to a person who
9 wishes to file a complaint with the department regarding a person or
10 activity regulated under this chapter.

11 SUBCHAPTER D. PROGRAM PROVIDER LICENSE REQUIREMENTS

12 Sec. 171.0151. PROGRAM PROVIDER LICENSE REQUIRED. A person
13 may not provide or offer to provide a court-ordered program unless
14 the person holds a program provider license issued under this
15 subchapter for the program.

16 Sec. 171.0152. ELIGIBILITY REQUIREMENTS FOR PROGRAM
17 PROVIDER LICENSE. (a) The commission by rule shall establish
18 eligibility requirements and criteria for the issuance of a program
19 provider license under this chapter.

20 (b) The commission by rule may establish eligibility
21 requirements based on:

22 (1) the type of court-ordered program the applicant
23 seeks to provide; and

24 (2) the location where a court-ordered program will be
25 provided, including the applicant's headquarters and any branch
26 locations.

27 Sec. 171.0153. ISSUANCE OF PROGRAM PROVIDER LICENSE. The

department shall issue a program provider license to an applicant who:

(1) meets the eligibility requirements and criteria established by commission rule;

(2) submits a completed application to the department on the form prescribed by the department; and

(3) pays the nonrefundable license application fee set by the commission.

SUBCHAPTER E. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

Sec. 171.0201. APPLICABILITY. This subchapter applies to the following court-ordered programs:

(1) the alcohol educational program for minors;

(2) the drug offense educational program;

(3) the intervention program for intoxication; and

(4) the intoxication offense educational program.

Sec. 171.0202. INSTRUCTOR LICENSE REQUIRED. (a) A person may not instruct or represent that the person is an instructor of a court-ordered program to which this subchapter applies unless the person holds the appropriate instructor license issued under this subchapter.

(b) A separate instructor license is required for each court-ordered program.

Sec. 171.0203. ISSUANCE OF INSTRUCTOR LICENSE. The department shall issue an instructor license for a particular court-ordered program to an applicant who:

(1) meets the eligibility requirements and criteria established by commission rule;

1 (2) submits a completed application to the department
2 on the form prescribed by the department;

3 (3) submits proof of meeting the education and
4 experience requirements of Section 171.0204 or 171.0205, as
5 applicable;

6 (4) completes the instructor training course and
7 passes the examination required under Section 171.0206;

8 (5) passes a criminal history background check
9 conducted by the department; and

10 (6) pays the nonrefundable license application fee set
11 by the commission.

12 Sec. 171.0204. REQUIREMENTS FOR CERTAIN ALCOHOL OR DRUG
13 RELATED INSTRUCTOR LICENSES. To be eligible for an instructor
14 license for an alcohol educational program for minors, intoxication
15 offense educational program, or drug offense educational program,
16 an applicant must:

17 (1) hold an associate degree or a more advanced degree
18 in psychology, sociology, counseling, social work, criminal
19 justice, education, nursing, health, or traffic safety;

20 (2) hold a license, registration, or certification
21 under Chapter 301, 501, 503, 504, or 505 or Subtitle B, Title 3,
22 Occupations Code, or under Subchapter B, Chapter 21, Education
23 Code;

24 (3) have sufficient experience, as specified by rule,
25 as a parole or community supervision officer or adult or child
26 protective services caseworker;

27 (4) have at least one year of documented experience in

1 substance abuse or mental health case management; or

2 (5) have at least one year of education relating to
3 substance abuse or mental health.

4 Sec. 171.0205. REQUIREMENTS FOR INTERVENTION PROGRAM FOR
5 INTOXICATION INSTRUCTOR LICENSE. To be eligible for an instructor
6 license for the intervention program for intoxication, an applicant
7 must:

8 (1) either:

9 (A) hold a license or registration under Chapter
10 501, 503, 504, or 505 or Subtitle B, Title 3, Occupations Code; or

11 (B) hold an associate degree or a more advanced
12 degree in psychology, sociology, counseling, social work, criminal
13 justice, education, nursing, or health; and

14 (2) have at least two years of documented experience
15 providing direct client services to persons with substance abuse
16 disorders or mental illness.

17 Sec. 171.0206. INSTRUCTOR TRAINING COURSE; EXAMINATION.

18 (a) The commission by rule shall establish the requirements for the
19 instructor training course and examination.

20 (b) The department or the department's authorized
21 representative shall provide the training course and administer
22 examinations for applicants for an instructor license.

23 (c) The commission may adopt rules to provide for the
24 reexamination of an applicant who fails the examination.

25 (d) The department or the department's authorized
26 representative may charge a fee as set by commission rule for the
27 instructor training course, any training materials, and the

1 examination.

2 SUBCHAPTER F. RESTRICTIONS ON LICENSE

3 Sec. 171.0251. LICENSE NOT TRANSFERABLE. A license issued
4 under this chapter is not transferable or assignable.

5 Sec. 171.0252. LICENSE ONLY FOR ISSUED PROGRAM. A license
6 issued under this chapter is valid only for the type of
7 court-ordered program for which the license is issued.

8 SUBCHAPTER G. LICENSE TERM AND RENEWAL

9 Sec. 171.0301. LICENSE TERM. A license issued under this
10 chapter is valid for one or two years from the date of issuance as
11 prescribed by commission rule.

12 Sec. 171.0302. LICENSE RENEWAL. The commission by rule
13 shall establish the requirements for renewing a license issued
14 under this chapter, including the payment of applicable fees.

15 Sec. 171.0303. CONTINUING EDUCATION FOR RENEWAL OF
16 INSTRUCTOR LICENSE. (a) The commission by rule shall establish the
17 continuing education requirements to renew an instructor license
18 issued under Subchapter E. The commission may require a different
19 number of hours of continuing education for each type of
20 court-ordered program.

21 (b) In addition to the continuing education requirements of
22 Subsection (a), an instructor must complete an instructor
23 continuing education seminar prescribed by the department if the
24 department makes substantial changes to the curriculum or materials
25 for the court-ordered program for which the license was issued.

26 (c) The commission by rule may establish an alternative
27 method for satisfying the continuing education requirements of

1 Subsection (a).

2 SUBCHAPTER H. COURT-ORDERED PROGRAM REQUIREMENTS

3 Sec. 171.0351. GENERAL COURT-ORDERED PROGRAM REQUIREMENTS.

4 (a) The commission shall adopt rules for each court-ordered
5 program regarding:

6 (1) the criteria for administration;

7 (2) the structure, length, content, manner of
8 delivery, schedule, and applicable fees;

9 (3) the criteria for a participant to successfully
10 complete the program; and

11 (4) the development of a certificate of program
12 completion that is acceptable to a court.

13 (b) The commission may adopt rules for each court-ordered
14 program regarding records to be maintained and reports to be filed
15 with the department.

16 (c) The department or the department's authorized
17 representative shall develop the curriculum and educational
18 materials to be used for each court-ordered program.

19 (d) A program provider or instructor may not discriminate
20 against participants based on sex, race, religion, age, national or
21 ethnic origin, or disability.

22 Sec. 171.0352. ADDITIONAL REQUIREMENTS FOR ALCOHOL OR DRUG
23 RELATED PROGRAMS. (a) This section applies to the following
24 court-ordered programs:

25 (1) the alcohol educational program for minors;

26 (2) the drug offense educational program;

27 (3) the intervention program for intoxication; and

1 (4) the intoxication offense educational program.

2 (b) A court-ordered program to which this section applies
3 must be:

4 (1) provided by a program provider licensed for the
5 type of program;

6 (2) provided at a specific location, if required by
7 commission rule; and

8 (3) taught by an instructor licensed for the type of
9 program.

10 (c) The commission may adopt rules for each court-ordered
11 program to which this section applies regarding:

12 (1) the appointment, qualifications, and
13 responsibilities of an administrator of a court-ordered program;

14 (2) the use of supplemental educational materials;

15 (3) minimum classroom facilities and equipment;

16 (4) the conduct of instructors;

17 (5) teaching requirements for instructors; and

18 (6) participant evaluations, screenings, and exit
19 interviews.

20 Sec. 171.0353. ADDITIONAL PROGRAM REQUIREMENTS FOR
21 RESPONSIBLE PET OWNER PROGRAM. (a) The responsible pet owner
22 program must be offered online by a program provider licensed for
23 that program.

24 (b) The commission may adopt rules for the responsible pet
25 owner program regarding:

26 (1) the timing of the program; and

27 (2) the procedures for program security and attendance

1 verification.

2 Sec. 171.0354. CERTIFICATE OF PROGRAM COMPLETION. (a) The
3 department shall issue or provide for the issuance of a certificate
4 of program completion or certificate number showing completion of a
5 court-ordered program.

6 (b) The commission by rule shall provide for the form,
7 design, content, and distribution of certificates of program
8 completion and certificate numbers.

9 (c) The commission by rule shall adopt a system for program
10 providers to provide for the appropriate care, custody, and control
11 of certificates of program completion and certificate numbers.

12 (d) The commission by rule shall establish requirements
13 regarding the submission of a copy of a certificate of program
14 completion or certificate number to the appropriate court, state
15 agency, or community supervision and corrections department.

16 SUBCHAPTER I. PRACTICE BY LICENSE HOLDER

17 Sec. 171.0401. GENERAL REQUIREMENTS FOR ALL LICENSE
18 HOLDERS. (a) A license holder shall comply with all requirements
19 under this chapter or commission rule for the court-ordered program
20 for which the license is issued.

21 (b) A license holder may only provide or instruct, as
22 applicable, the court-ordered program for which the license is
23 issued.

24 (c) A license holder may only use the curriculum approved
25 for the court-ordered program for which the license is issued.

26 Sec. 171.0402. NOTICE OF CHANGE IN ADMINISTRATOR OR CONTACT
27 INFORMATION. Not later than the 30th day after the date of the

1 change, a license holder shall notify the department in writing of
2 any change regarding:

3 (1) the administrator of a court-ordered program
4 provided by a program provider; or

5 (2) the license holder's address, telephone number,
6 e-mail address, or Internet website address.

7 SUBCHAPTER J. PRACTICE BY PROGRAM PROVIDER

8 Sec. 171.0451. PROGRAM PROVIDER RESPONSIBILITIES; GENERAL
9 REQUIREMENTS. (a) A program provider shall maintain care, custody,
10 and control of the certificates of program completion and
11 certificate numbers, as prescribed by commission rule.

12 (b) A program provider shall issue and deliver a certificate
13 of program completion to a participant who successfully completes a
14 court-ordered program provided by the program provider. The
15 commission by rule shall establish the timing and method of
16 delivery of the certificate.

17 (c) A program provider shall comply with applicable laws
18 regarding confidentiality of participant records and obtaining
19 consent to disclosure.

20 (d) A program provider shall submit to the department
21 information required by the department relating to certificates of
22 program completion issued by the program provider.

23 Sec. 171.0452. ADDITIONAL PROGRAM PROVIDER
24 RESPONSIBILITIES FOR ALCOHOL OR DRUG RELATED PROGRAMS. (a) This
25 section applies to the following court-ordered programs:

26 (1) the alcohol educational program for minors;

27 (2) the drug offense educational program;

1 (3) the intervention program for intoxication; and

2 (4) the intoxication offense educational program.

3 (b) A program provider shall designate an administrator for
4 each of the provider's court-ordered programs to which this section
5 applies.

6 (b-1) The commission by rule may establish requirements
7 regarding the qualifications and responsibilities of an
8 administrator.

9 (c) As prescribed by commission rule, a program provider
10 shall:

11 (1) collect and maintain information regarding each of
12 the program provider's instructors, each court-ordered program
13 provided by the program provider, and each program participant; and

14 (2) make available to the department on request
15 records containing the information described by Subdivision (1).

16 (d) The commission may require different information to be
17 collected and maintained for each type of court-ordered program.

18 (e) The commission may adopt rules requiring program
19 providers to submit to the department information regarding
20 programs, instructors, and participants. The commission may
21 require different information to be reported for each type of
22 court-ordered program.

23 (f) A program provider shall provide in writing to each
24 participant the provider's license number and the applicable
25 instructor's license number.

26 (g) A program provider shall maintain and make available to
27 participants information regarding course fees, schedules, and

1 locations for all court-ordered programs provided by the program
2 provider.

3 Sec. 171.0453. ADDITIONAL PROGRAM PROVIDER
4 RESPONSIBILITIES FOR RESPONSIBLE PET OWNER PROGRAM. (a) A program
5 provider shall ensure that a responsible pet owner program provided
6 by a program provider is delivered online in a manner conducive to
7 learning.

8 (b) The program provider is responsible for the conduct and
9 administration of a responsible pet owner program, including the
10 verification of participant attendance and program performance.

11 (c) As prescribed by commission rule, a program provider
12 shall:

13 (1) collect information for each participant in a
14 responsible pet owner program;

15 (2) maintain and make available to the department on
16 request the information described by Subdivision (1); and

17 (3) submit monthly reports to the department.

18 (d) A program provider shall:

19 (1) maintain the security and integrity of the
20 information of participants in a responsible pet owner program; and

21 (2) create and provide a privacy policy statement to
22 each participant.

23 (e) In each advertisement for or Internet website of a
24 responsible pet owner program, the program provider shall include:

25 (1) the provider's license number; and

26 (2) the program's number issued by the department.

27 Sec. 171.0454. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Not

less than 30 days before the date of a change in ownership of a program provider, the proposed new owner must apply for a new program provider license for each type of court-ordered program to be offered by the new owner.

SUBCHAPTER K. PRACTICE BY INSTRUCTOR

Sec. 171.0501. INSTRUCTOR RESPONSIBILITIES FOR ALCOHOL OR DRUG RELATED PROGRAMS. (a) This section applies to the following court-ordered programs:

- (1) the alcohol educational program for minors;
- (2) the drug offense educational program;
- (3) the intervention program for intoxication; and
- (4) the intoxication offense educational program.

(b) An instructor may only instruct for a program provider that holds the appropriate program provider license.

(c) An instructor shall carry the instructor's license at all times while providing instruction at a court-ordered program to which this section applies.

SUBCHAPTER L. PROHIBITED PRACTICES AND ENFORCEMENT

Sec. 171.0551. PROHIBITED PRACTICES BY ALL LICENSE HOLDERS. A license holder may not:

- (1) use advertising that is false, misleading, or deceptive; or
- (2) issue, sell, trade, or transfer a certificate of program completion or a certificate number to a person who has not successfully completed the applicable court-ordered program or who is not otherwise authorized to possess the certificate or number.

Sec. 171.0552. GROUNDS FOR DISCIPLINARY ACTIONS. The

1 commission or executive director may deny an application for an
2 initial or renewal license, revoke or suspend a license, place on
3 probation a person whose license has been suspended, or reprimand a
4 license holder who:

5 (1) violates this chapter, a rule adopted under this
6 chapter, or an order of the commission or executive director;

7 (2) fails to meet a requirement for obtaining or
8 holding a license under this chapter;

9 (3) fails to notify the department of the
10 discontinuation of the operation of a court-ordered program
11 provided or instructed by the license holder;

12 (4) fails to make available to the department accurate
13 records regarding the operation of a discontinued court-ordered
14 program provided or instructed by the license holder;

15 (5) permits or engages in misrepresentation, fraud, or
16 deceit in applying for a license;

17 (6) permits or engages in a fraudulent practice
18 regarding a court-ordered program provided or instructed by the
19 license holder;

20 (7) sells, barter, or offers to sell or barter a
21 license;

22 (8) engages in unprofessional conduct that:

23 (A) endangers or is likely to endanger the
24 health, welfare, or safety of the public as defined by commission
25 rule; or

26 (B) violates the code of ethics adopted and
27 published by the commission;

1 (9) falsifies, submits, or maintains any
2 substantially false, inaccurate, or incomplete documentation
3 required under this chapter or related to the court-ordered program
4 provided or instructed by the license holder;

5 (10) engages in conduct, or encourages or permits a
6 participant in a court-ordered program provided or instructed by
7 the license holder to engage in conduct, that is inconsistent with
8 the behaviors and principles of the curriculum of the court-ordered
9 program for which the license is issued;

10 (11) while under the influence of alcohol or a
11 controlled substance, attends an instructor training or a
12 court-ordered program, instructs a court-ordered program, or
13 performs duties related to the court-ordered program for which the
14 holder's license is issued;

15 (12) provides a participant with, or permits a
16 participant to use, alcohol or a controlled substance; or

17 (13) engages in conduct that is harmful to the health,
18 safety, or welfare of a participant or the public.

19 Sec. 171.0553. DISCIPLINARY ACTION; ADMINISTRATIVE
20 PENALTY. If a person violates this chapter or an order issued or a
21 rule adopted under this chapter, the person is subject to any action
22 or penalty under Subchapter F or G, Chapter 51, Occupations Code.

23 Sec. 171.0554. ONSITE INSPECTIONS, MONITORING, AND AUDITS.
24 The department or the department's authorized representative may:

25 (1) conduct periodic, onsite inspections to verify a
26 program provider's compliance with this chapter; and

27 (2) attend or audit a court-ordered program.

1 Sec. 171.0555. INVESTIGATIONS. (a) A program provider,
2 administrator, instructor, or any person associated with a
3 court-ordered program shall:

4 (1) cooperate with the department during an
5 investigation of a complaint under this chapter; and

6 (2) provide or make available to the department on
7 request any documents or records related to the investigation,
8 including all instructor or administrator records, unless
9 otherwise prohibited by law.

10 (b) The department may contract with the Department of
11 Public Safety to provide investigative assistance in the
12 enforcement of this chapter.

13 Sec. 171.0556. UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM
14 COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an
15 offense if the person knowingly sells, trades, issues, or otherwise
16 transfers, or possesses with intent to sell, trade, issue, or
17 otherwise transfer, a certificate of program completion or a
18 certificate number to a person not authorized to possess the
19 certificate or number.

20 (b) An offense under this section is a felony of the third
21 degree.

22 Sec. 171.0557. UNLAWFUL POSSESSION OF CERTIFICATE OF
23 PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person
24 commits an offense if the person knowingly possesses a certificate
25 of program completion or a certificate number that the person is not
26 authorized to possess under this chapter.

27 (b) An offense under this section is a felony of the third

1 degree.

2 SECTION 1.002. The heading to Section 106.115, Alcoholic
3 Beverage Code, is amended to read as follows:

4 Sec. 106.115. ATTENDANCE AT ALCOHOL AWARENESS PROGRAM
5 ~~[COURSE]~~; LICENSE SUSPENSION.

6 SECTION 1.003. Section 106.115, Alcoholic Beverage Code, is
7 amended by amending Subsections (a) and (b-2) and adding
8 Subsections (a-1) and (a-2) to read as follows:

9 (a) On the placement of a minor on deferred disposition for
10 an offense under Section 49.02, Penal Code, or under Section
11 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
12 shall require the defendant to attend one of the following
13 programs:

14 (1) an alcohol awareness program ~~[approved by the~~
15 ~~Texas Department of Licensing and Regulation]~~ under this section
16 that is regulated under Chapter 171, Government Code;

17 (2) ~~[7]~~ a drug education program under ~~[approved by~~
18 ~~the Department of State Health Services in accordance with]~~ Section
19 521.374(a)(1) [521.374], Transportation Code, that is regulated
20 under Chapter 171, Government Code; or

21 (3) a drug and alcohol driving awareness program under
22 Section 1001.103, Education Code ~~[approved by the Texas Education~~
23 ~~Agency]~~.

24 (a-1) On conviction of a minor of an offense under Section
25 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
26 106.05, or 106.07 ~~[one or more of those sections]~~, the court, in
27 addition to assessing a fine as provided by those sections, shall

1 require a defendant who has not been previously convicted of an
 2 offense under one of those sections to attend an alcohol awareness
 3 program, a drug education program, or a drug and alcohol driving
 4 awareness program described by Subsection (a) [~~this subsection~~].
 5 If the defendant has been previously convicted once or more of an
 6 offense under one or more of those sections, the court may require
 7 the defendant to attend an alcohol awareness program, a drug
 8 education program, or a drug and alcohol driving awareness program
 9 described by Subsection (a) [~~this subsection~~].

10 (a-2) If the defendant is younger than 18 years of age, the
 11 court may require the parent or guardian of the defendant to attend
 12 the program described by Subsection (a) with the defendant. [~~The~~
 13 ~~Texas Department of Licensing and Regulation or Texas Commission of~~
 14 ~~Licensing and Regulation, as appropriate.~~

15 [~~(1) is responsible for the administration of the~~
 16 ~~certification of approved alcohol awareness programs,~~

17 [~~(2) may charge a nonrefundable application fee for:~~

18 [~~(A) initial certification of the approval, or~~

19 [~~(B) renewal of the certification,~~

20 [~~(3) shall adopt rules regarding alcohol awareness~~
 21 ~~programs approved under this section, and~~

22 [~~(4) shall monitor, coordinate, and provide training~~
 23 ~~to a person who provides an alcohol awareness program.]~~

24 (b-2) For purposes of Subsection (b-1), if the defendant is
 25 enrolled in an institution of higher education located in a county
 26 in which access to an alcohol awareness program is readily
 27 available, the court may consider the defendant to be a resident of

1 that county. If the defendant is not enrolled in such an institution
 2 of higher education or if the court does not consider the defendant
 3 to be a resident of the county in which the institution is located,
 4 the defendant's residence is the residence listed on the
 5 defendant's driver's license or personal identification
 6 certificate issued by the Department of Public Safety. If the
 7 defendant does not have a driver's license or personal
 8 identification certificate issued by the Department of Public
 9 Safety, the defendant's residence is the residence on the
 10 defendant's voter registration certificate. If the defendant is not
 11 registered to vote, the defendant's residence is the residence on
 12 file with the public school district on which the defendant's
 13 enrollment is based. If the defendant is not enrolled in public
 14 school, the defendant's residence is determined ~~[as provided]~~ by
 15 the court ~~[commission rule]~~.

16 SECTION 1.004. The heading to Article 42A.403, Code of
 17 Criminal Procedure, is amended to read as follows:

18 Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION
 19 OFFENSES ~~[OFFENDERS]~~; WAIVER OR EXTENSION OF TIME.

20 SECTION 1.005. Article 42A.403(a), Code of Criminal
 21 Procedure, is amended to read as follows:

22 (a) A judge who places on community supervision a defendant
 23 convicted of an offense under Sections 49.04-49.08, Penal Code,
 24 shall require as a condition of community supervision that the
 25 defendant attend and successfully complete, before the 181st day
 26 after the date community supervision is granted, an educational
 27 program designed to rehabilitate persons who have driven while

intoxicated that is regulated [~~jointly approved~~] by [÷

[~~(1)~~] the Texas Department of Licensing and Regulation
under Chapter 171, Government Code [÷

[~~(2)~~ the Department of Public Safety,;

[~~(3)~~ the traffic safety section of the traffic
operations division of the Texas Department of Transportation; and

[~~(4)~~ the community justice assistance division of the
Texas Department of Criminal Justice].

SECTION 1.006. The heading to Article [42A.404](#), Code of
Criminal Procedure, is amended to read as follows:

Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT
INTOXICATION OFFENSES [~~OFFENDERS~~]; WAIVER.

SECTION 1.007. Article [42A.404](#)(a), Code of Criminal
Procedure, is amended to read as follows:

(a) The judge shall require a defendant who is punished
under Section [49.09](#), Penal Code, to attend and successfully
complete as a condition of community supervision an educational
program for repeat offenders that is regulated [~~approved~~] by the
Texas Department of Licensing and Regulation under Chapter 171,
Government Code.

SECTION 1.008. Article [42A.511](#)(a), Code of Criminal
Procedure, is amended to read as follows:

(a) If a judge grants community supervision to a defendant
convicted of an offense under Section [42.09](#), [42.091](#), [42.092](#), or
[42.10](#), Penal Code, the judge may require the defendant to:

(1) complete an online responsible pet owner
educational program regulated [~~course approved and certified~~] by

the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(2) attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:

(A) receives federal, state, county, or municipal funds; and

(B) serves the county in which the court is located.

SECTION 1.009. Article 42A.514(a), Code of Criminal Procedure, is amended to read as follows:

(a) If a judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or an offense involving possession of a controlled substance or marihuana under Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the judge may require the defendant as a condition of community supervision to attend, as appropriate:

(1) an alcohol awareness program ~~[approved]~~ under Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(2) a drug education program that is designed to educate persons on the dangers of drug abuse ~~[and is approved by the Department of State Health Services]~~ in accordance with Section

1 521.374(a)(1) [521.374], Transportation Code, and that is
2 regulated by the Texas Department of Licensing and Regulation under
3 Chapter 171, Government Code.

4 SECTION 1.010. Article 45.051(b), Code of Criminal
5 Procedure, is amended to read as follows:

6 (b) During the deferral period, the judge may require the
7 defendant to:

8 (1) post a bond in the amount of the fine assessed to
9 secure payment of the fine;

10 (2) pay restitution to the victim of the offense in an
11 amount not to exceed the fine assessed;

12 (3) submit to professional counseling;

13 (4) submit to diagnostic testing for alcohol or a
14 controlled substance or drug;

15 (5) submit to a psychosocial assessment;

16 (6) participate in an alcohol or drug abuse treatment
17 or education program, such as:

18 (A) a drug education program that is designed to
19 educate persons on the dangers of drug abuse [~~and is approved by the~~
20 ~~Department of State Health Services~~] in accordance with Section
21 521.374(a)(1) [521.374], Transportation Code, and that is
22 regulated by the Texas Department of Licensing and Regulation under
23 Chapter 171, Government Code; or

24 (B) an alcohol awareness program described by
25 Section 106.115, Alcoholic Beverage Code, that is regulated by the
26 Texas Department of Licensing and Regulation under Chapter 171,
27 Government Code;

1 (7) pay the costs of any diagnostic testing,
2 psychosocial assessment, or participation in a treatment or
3 education program either directly or through the court as court
4 costs;

5 (8) complete a driving safety course approved under
6 Chapter 1001, Education Code, or another course as directed by the
7 judge;

8 (9) present to the court satisfactory evidence that
9 the defendant has complied with each requirement imposed by the
10 judge under this article; and

11 (10) comply with any other reasonable condition.

12 SECTION 1.011. Sections 53.03(h-1) and (h-2), Family Code,
13 are amended to read as follows:

14 (h-1) If the child is alleged to have engaged in delinquent
15 conduct or conduct indicating a need for supervision that violates
16 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
17 481.121, Health and Safety Code, deferred prosecution under this
18 section may include a condition that the child attend a drug
19 education program that is designed to educate persons on the
20 dangers of drug abuse [~~and is approved by the Department of State~~
21 ~~Health Services~~] in accordance with Section 521.374(a)(1)
22 [521.374], Transportation Code, and that is regulated by the Texas
23 Department of Licensing and Regulation under Chapter 171,
24 Government Code.

25 (h-2) If the child is alleged to have engaged in delinquent
26 conduct or conduct indicating a need for supervision that violates
27 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,

1 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
2 prosecution under this section may include a condition that the
3 child attend an alcohol awareness program described by Section
4 106.115, Alcoholic Beverage Code, that is regulated by the Texas
5 Department of Licensing and Regulation under Chapter 171,
6 Government Code.

7 SECTION 1.012. Sections 54.047(a) and (b), Family Code, are
8 amended to read as follows:

9 (a) If the court or jury finds at an adjudication hearing
10 for a child that the child engaged in delinquent conduct or conduct
11 indicating a need for supervision that constitutes a violation of
12 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
13 481.121, Health and Safety Code, the court may order that the child
14 attend a drug education program that is designed to educate persons
15 on the dangers of drug abuse [~~and is approved by the Department of~~
16 ~~State Health Services~~] in accordance with Section 521.374(a)(1)
17 [~~521.374~~], Transportation Code, and that is regulated by the Texas
18 Department of Licensing and Regulation under Chapter 171,
19 Government Code.

20 (b) If the court or jury finds at an adjudication hearing
21 for a child that the child engaged in delinquent conduct or conduct
22 indicating a need for supervision that violates the alcohol-related
23 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
24 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the
25 court may order that the child attend an alcohol awareness program
26 described by Section 106.115, Alcoholic Beverage Code, that is
27 regulated by the Texas Department of Licensing and Regulation under

Chapter 171, Government Code.

SECTION 1.013. Section 461A.052(a), Health and Safety Code, is amended to read as follows:

(a) The department shall:

(1) provide for research and study of the problems of chemical dependency in this state and seek to focus public attention on those problems through public information and education programs;

(2) plan, develop, coordinate, evaluate, and implement constructive methods and programs for the prevention, intervention, treatment, and rehabilitation of chemical dependency in cooperation with federal and state agencies, local governments, organizations, and persons, and provide technical assistance, funds, and consultation services for statewide and community-based services;

(3) cooperate with and enlist the assistance of:

(A) other state, federal, and local agencies;

(B) hospitals and clinics;

(C) public health, welfare, and criminal justice system authorities;

(D) educational and medical agencies and organizations; and

(E) other related public and private groups and persons;

(4) expand chemical dependency services for children when funds are available because of the long-term benefits of those services to this state and its citizens;

1 (5) sponsor, promote, and conduct educational
2 programs on the prevention and treatment of chemical dependency,
3 and maintain a public information clearinghouse to purchase and
4 provide books, literature, audiovisuals, and other educational
5 material for the programs;

6 (6) sponsor, promote, and conduct training programs
7 for persons delivering prevention, intervention, treatment, and
8 rehabilitation services and for persons in the criminal justice
9 system or otherwise in a position to identify the service needs of
10 persons with a chemical dependency and their families;

11 (7) require programs rendering services to persons
12 with a chemical dependency to safeguard those persons' legal rights
13 of citizenship and maintain the confidentiality of client records
14 as required by state and federal law;

15 (8) maximize the use of available funds for direct
16 services rather than administrative services;

17 (9) consistently monitor the expenditure of funds and
18 the provision of services by all grant and contract recipients to
19 assure that the services are effective and properly staffed and
20 meet the standards adopted under this chapter;

21 (10) make the monitoring reports prepared under
22 Subdivision (9) a matter of public record;

23 (11) license treatment facilities under Chapter [464](#);

24 (12) use funds appropriated to the department for
25 purposes of providing chemical dependency services and related
26 programs to carry out those purposes and maximize the overall state
27 allotment of federal funds;

1 (13) plan, develop, coordinate, evaluate, and
2 implement constructive methods and programs to provide healthy
3 alternatives for youth at risk of selling controlled substances;
4 and

5 (14) submit to the federal government reports and
6 strategies necessary to comply with Section 1926 of the federal
7 Alcohol, Drug Abuse, and Mental Health Administration
8 Reorganization Act, Pub. L. No. 102-321 (42 U.S.C. Section
9 300x-26), and coordinate the reports and strategies with
10 appropriate state governmental entities[~~;~~ and

11 [~~(15) regulate, coordinate, and provide training for~~
12 ~~alcohol awareness courses required under Section 106.115,~~
13 ~~Alcoholic Beverage Code, and may charge a fee for an activity~~
14 ~~performed by the department under this subdivision].~~

15 SECTION 1.014. Section 521.374(a), Transportation Code, as
16 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
17 642), Acts of the 84th Legislature, Regular Session, 2015, is
18 reenacted and amended to read as follows:

19 (a) A person whose license is suspended under Section
20 521.372 may:

21 (1) attend an educational program regulated[~~;~~
22 ~~approved~~] by the Texas Department of Licensing and Regulation
23 [~~Department of State Health Services~~] under Chapter 171, Government
24 Code [~~rules adopted by the executive commissioner of the Health and~~
25 ~~Human Services Commission and the department~~], that is designed to
26 educate persons on the dangers of drug abuse; or

27 (2) successfully complete education on the dangers of

1 drug abuse approved by the Department of State Health Services as
2 equivalent to the educational program described by Subdivision (1),
3 while the person is a resident of a facility for the treatment of
4 drug abuse or chemical dependency, including:

5 (A) a substance abuse treatment facility or
6 substance abuse felony punishment facility operated by the Texas
7 Department of Criminal Justice under Section 493.009, Government
8 Code;

9 (B) a community corrections facility, as defined
10 by Section 509.001, Government Code; or

11 (C) a chemical dependency treatment facility
12 licensed under Chapter 464, Health and Safety Code.

13 SECTION 1.015. Section 521.375, Transportation Code, as
14 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
15 84th Legislature, Regular Session, 2015, is reenacted and amended
16 to read as follows:

17 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The executive
18 commissioner of the Health and Human Services Commission and the
19 department shall jointly adopt rules for the qualification and
20 approval of[+]

21 [~~(1) providers of educational programs under Section~~
22 ~~521.374(a)(1), and~~

23 [~~(2)~~] equivalent education provided in a residential
24 treatment facility described by Section 521.374(a)(2).

25 (b) The Department of State Health Services shall publish
26 the jointly adopted rules.

27 SECTION 1.016. Section 521.376, Transportation Code, as

amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 521.376. DUTIES OF DEPARTMENT OF STATE HEALTH SERVICES~~[, APPLICATION AND RENEWAL FEES]~~. The Department of State Health Services:

(1) shall monitor, coordinate, and provide training to~~+~~

~~[(A) persons who provide educational programs under Section 521.374(a)(1); and~~

~~[(B)]~~ residential treatment facilities described by Section 521.374(a)(2) providing equivalent education; and

(2) shall administer the approval of the ~~[educational programs and the]~~ equivalent education provided in a residential treatment facility~~[, and~~

~~[(3) may charge a nonrefundable application fee to the provider of an educational program under Section 521.374(a)(1) for:~~

~~[(A) initial certification of approval; and~~

~~[(B) renewal of the certification].~~

SECTION 1.017. The following provisions are repealed:

(1) Section 106.115(b), Alcoholic Beverage Code;

(2) Article 42A.405, Code of Criminal Procedure;

(3) Article 42A.511(b), Code of Criminal Procedure, as added by Chapter 1132 (H.B. 162), Acts of the 85th Legislature, Regular Session, 2017; and

(4) Section 54.047(e), Family Code.

SECTION 1.018. The enactment by this Act of Sections

171.0151 and 171.0202, Government Code, and Subchapters I, J, and K, Chapter 171, Government Code, does not affect the validity of a court program or instructor license in effect on the effective date of this Act or the right of the license holder to continue to practice under that license until September 1, 2020.

SECTION 1.019. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation, the Texas Department of Licensing and Regulation, and the executive director of the Texas Department of Licensing and Regulation, as appropriate, shall adopt rules and forms necessary to implement Chapter 171, Government Code, as added by this Act.

ARTICLE 2. TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 2.001. Section 51.203, Occupations Code, is amended to read as follows:

Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY DEPARTMENT. (a) The commission shall adopt rules as necessary to implement each law establishing a program regulated by the department.

(b) Notwithstanding any other law, for each program regulated by the department, including a program under which a license is issued by the department, the commission by rule may establish:

- (1) the length of a license term;
- (2) a fee for the issuance or renewal of a license; and
- (3) any continuing education required to renew a license.

SECTION 2.002. Section 51.2031(a-2), Occupations Code, is

1 amended to read as follows:

2 (a-2) For each rule proposed under Subsection (a-1), the
3 commission shall either adopt the rule as proposed or return the
4 rule to the advisory board for revision. The commission retains
5 authority for final adoption of all rules and is responsible for
6 ensuring compliance with all laws regarding the rulemaking process.
7 ~~[This subsection and Subsection (a-1) expire September 1, 2019.]~~

8 ARTICLE 3. MIDWIVES

9 SECTION 3.001. Section 203.056, Occupations Code, is
10 amended to read as follows:

11 Sec. 203.056. PRESIDING OFFICER. The presiding officer of
12 the commission shall designate a ~~[public]~~ member of the advisory
13 board to serve as the presiding officer of the advisory board to
14 serve for a term of one year. The presiding officer of the advisory
15 board may vote on any matter before the advisory board.

16 SECTION 3.002. Section 203.254, Occupations Code, is
17 amended to read as follows:

18 Sec. 203.254. BASIC MIDWIFERY EDUCATION. The commission
19 shall establish requirements for basic midwifery education,
20 including basic requirements for midwifery preceptors and
21 students.

22 SECTION 3.003. Section 203.152, Occupations Code, is
23 repealed.

24 SECTION 3.004. Section 203.056, Occupations Code, as
25 amended by this article, does not affect the entitlement of a member
26 of the Midwives Advisory Board who is serving as the presiding
27 officer of the advisory board immediately before the effective date

of this Act to continue to serve in that capacity for the remainder of the member's term as presiding officer.

ARTICLE 4. NURSES

SECTION 4.001. Subchapter F, Chapter 301, Occupations Code, is amended by adding Section 301.262 to read as follows:

Sec. 301.262. EXPEDITED LICENSING PROCESS FOR OUT-OF-STATE ADVANCED PRACTICE REGISTERED NURSES. (a) The board by rule shall create an expedited licensing process for an applicant who holds a license or other authorization in good standing to practice nursing as an advanced practice registered nurse issued by another state.

(b) The board may establish a fee in an amount sufficient to cover the cost of the expedited licensing process.

(c) The 180-day deadline and extension provisions under Section 301.260(c) do not apply to the expedited licensing process required under this section.

SECTION 4.002. The Texas Board of Nursing shall create and implement the expedited licensing process under Section 301.262, Occupations Code, as added by this article, not later than January 1, 2020.

ARTICLE 5. MASSAGE THERAPISTS, BARBERS, AND COSMETOLOGISTS

SECTION 5.001. Section 455.151, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsections (a) and (b), a person may act as, or represent that the person is, a massage establishment if the person holds a license under Chapter 1604.

SECTION 5.002. Section 1601.453, Occupations Code, is amended to read as follows:

1 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by
2 the department may practice barbering only at a location for which
3 the department has issued a barbershop permit, specialty shop
4 permit, or barber school permit under this chapter, ~~[or]~~ a permit
5 issued under Chapter 1603, or a license issued under Chapter 1604.

6 SECTION 5.003. Section 1601.455(a), Occupations Code, is
7 amended to read as follows:

8 (a) In this section, "licensed facility" means the premises
9 of a place of business that holds a license, certificate, or permit
10 under this chapter, ~~[or]~~ Chapter 1603, or Chapter 1604.

11 SECTION 5.004. Section 1603.102, Occupations Code, is
12 amended to read as follows:

13 Sec. 1603.102. SANITATION RULES. (a) The commission shall
14 establish sanitation rules to prevent the spread of an infectious
15 or contagious disease.

16 (b) Rules adopted under this section applicable to an
17 individual or facility regulated under Chapter 1602 must be
18 consistent with the standards and terminology related to safety and
19 sanitation that are commonly used in the cosmetology industry.

20 SECTION 5.005. Section 1603.104, Occupations Code, is
21 amended by amending Subsection (b) and adding Subsections (c) and
22 (c-1) to read as follows:

23 (b) Except as otherwise provided by this section, at ~~At~~
24 least once every four ~~two~~ years, the department shall inspect
25 each shop or other facility that holds a license, certificate, or
26 permit in which the practice of barbering or cosmetology is
27 performed under this chapter, Chapter 1601, or Chapter 1602.

1 (c) At [~~, and at~~] least twice per year, the department shall
2 inspect each school in which barbering or cosmetology is taught
3 under this chapter, Chapter 1601, or Chapter 1602.

4 (c-1) At least once every two years, the department shall
5 inspect each specialty shop that holds a license, certificate, or
6 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
7 at which the practices described by Section 1601.002(1)(E) or (F)
8 or 1602.002(a)(8) or (9) are performed.

9 SECTION 5.006. Title 9, Occupations Code, is amended by
10 adding Chapter 1604 to read as follows:

11 CHAPTER 1604. REGULATION OF BARBERING AND MASSAGE THERAPY

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 1604.001. GENERAL DEFINITIONS. (a) In this chapter:

14 (1) "Commission" means the Texas Commission of
15 Licensing and Regulation.

16 (2) "Department" means the Texas Department of
17 Licensing and Regulation.

18 (3) "Dual shop" means a dual barber and beauty shop
19 licensed under Chapter 1603.

20 (4) "Executive director" means the executive director
21 of the department.

22 (b) Unless the context clearly indicates otherwise, the
23 definitions in Chapters 455, 1601, 1602, and 1603 apply to this
24 chapter.

25 Sec. 1604.002. REGULATION BY DEPARTMENT. The department
26 shall administer this chapter. A reference in this chapter to the
27 commission's, executive director's, or department's powers or

duties does not limit the executive director's, department's, or commission's general powers under Chapter 51.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 1604.051. ADVISORY BOARDS. The advisory boards established under Chapters 455, 1601, and 1602 shall advise the commission on administering this chapter.

Sec. 1604.052. RULES. The commission shall adopt rules for the administration of this chapter.

SUBCHAPTER C. LICENSE REQUIREMENTS

Sec. 1604.101. BARBERSHOP AND MESSAGE ESTABLISHMENT LICENSE. (a) The department may issue a barbershop and message establishment license.

(b) A person holding a barbershop and message establishment license may own, operate, or manage a shop or establishment in which any practice of barbering defined by Section 1601.002 or message therapy or other massage services as defined by Section 455.001 is performed.

(c) The department shall issue a barbershop and message establishment license to an applicant that:

(1) meets the requirements of:

(A) this chapter;

(B) Chapter 455 for obtaining a message establishment license; and

(C) Chapter 1601 for obtaining a barbershop permit;

(2) submits an application on a form prescribed by the department; and

1 (3) pays the required fees.

2 (d) The holder of a barbershop and massage establishment
3 license must comply with this chapter, Chapters 455, 1601, and
4 1603, and commission rules related to barbering and massage
5 therapy.

6 Sec. 1604.102. DUAL SHOP AND MASSAGE ESTABLISHMENT LICENSE.

7 (a) The department may issue a dual shop and massage establishment
8 license.

9 (b) A person holding a dual shop and massage establishment
10 license may own, operate, or manage a shop or establishment in which
11 any practice of barbering defined by Section 1601.002, cosmetology
12 defined by Section 1602.002(a), or massage therapy or other massage
13 services as defined by Section 455.001 are performed.

14 (c) The department shall issue a dual shop and massage
15 establishment license to an applicant that:

16 (1) meets the requirements of:

17 (A) this chapter;

18 (B) Chapter 455 for obtaining a massage
19 establishment license; and

20 (C) Chapter 1603 for obtaining a dual shop
21 license;

22 (2) submits an application on a form prescribed by the
23 department; and

24 (3) pays the required fees.

25 (d) The holder of a dual shop and massage establishment
26 license must comply with this chapter, Chapters 455, 1601, 1602,
27 and 1603, and commission rules related to barbering, cosmetology,

1 and massage therapy.

2 SECTION 5.007. Not later than June 1, 2020, the Texas
3 Commission of Licensing and Regulation shall adopt rules as
4 necessary to implement Chapter 1604, Occupations Code, as added by
5 this Act.

6 ARTICLE 6. USED AUTOMOTIVE PARTS RECYCLERS

7 SECTION 6.001. Section 2309.106(a), Occupations Code, is
8 amended to read as follows:

9 (a) The department shall inspect each used automotive parts
10 recycling facility at least once every four [~~two~~] years.

11 ARTICLE 7. LICENSED GENETIC COUNSELORS

12 SECTION 7.001. Section 51.2031(a), Occupations Code, is
13 amended to read as follows:

14 (a) This section applies only to the regulation of the
15 following professions by the department:

- 16 (1) athletic trainers;
17 (2) behavior analysts;
18 (3) dietitians;
19 (4) genetic counselors;
20 (5) hearing instrument fitters and dispensers;
21 (6) [~~(5)~~] midwives;
22 (7) [~~(6)~~] orthotists and prosthetists; and
23 (8) [~~(7)~~] speech-language pathologists and
24 audiologists.

25 SECTION 7.002. Subtitle I, Title 3, Occupations Code, is
26 amended by adding Chapter 508 to read as follows:

1 CHAPTER 508. LICENSED GENETIC COUNSELORS

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 508.001. SHORT TITLE. This chapter may be cited as the
4 Licensed Genetic Counselor Act.

5 Sec. 508.002. DEFINITIONS. In this chapter:

6 (1) "Advisory board" means the Licensed Genetic
7 Counselor Advisory Board.

8 (2) "Certifying entity" means the American Board of
9 Medical Genetics and Genomics, the American Board of Genetic
10 Counseling, or another entity that is nationally accredited to
11 issue credentials in the practice of genetic counseling and is
12 approved by the department.

13 (3) "Commission" means the Texas Commission of
14 Licensing and Regulation.

15 (4) "Department" means the Texas Department of
16 Licensing and Regulation.

17 (5) "Executive director" means the executive director
18 of the department.

19 (6) "Licensed genetic counselor" means a person
20 licensed under this chapter to engage in the practice of genetic
21 counseling.

22 Sec. 508.003. PRACTICE OF GENETIC COUNSELING. (a) In this
23 chapter, "practice of genetic counseling" means providing
24 professional services described by Subsection (b) for compensation
25 to communicate genetic information to an individual, family, group,
26 or other entity:

27 (1) on the documented referral by:

1 (A) a physician licensed in this state;

2 (B) a physician assistant licensed in this state;

3 (C) an advanced practice registered nurse
4 licensed in this state; or

5 (D) a person acting under authority delegated
6 under Subchapter A, Chapter 157; or

7 (2) by a patient's self-referral.

8 (b) The practice of genetic counseling:

9 (1) consists of:

10 (A) obtaining and evaluating individual, family,
11 and medical histories to determine the risk for a genetic or medical
12 condition or disease in a patient, the patient's offspring, or
13 other family members of the patient;

14 (B) discussing the features, natural history,
15 means of diagnosis, genetic and environmental factors, and
16 management of risk for a genetic or medical condition or disease;

17 (C) identifying, coordinating, ordering, and
18 explaining the results of genetic laboratory tests and other
19 diagnostic studies as appropriate for genetic assessment;

20 (D) integrating the results of laboratory tests
21 and other diagnostic studies with medical histories to assess and
22 communicate risk factors for a genetic or medical condition or
23 disease;

24 (E) evaluating a patient's or family member's
25 response to a genetic or medical condition or disease, including
26 the risk of recurrence, and providing patient-centered counseling
27 and anticipatory guidance;

1 (F) identifying and using community resources
2 that provide medical, educational, financial, and psychosocial
3 support and advocacy; and

4 (G) providing written documentation of medical,
5 genetic, and counseling information for a patient's family members
6 and health care providers; and

7 (2) does not include the diagnosis of disorders.

8 Sec. 508.004. PRACTICE OF MEDICINE NOT AUTHORIZED. This
9 chapter does not authorize the practice of medicine as defined by
10 the law of this state.

11 Sec. 508.005. APPLICABILITY; EXEMPTIONS. (a) This chapter
12 does not apply to a physician licensed to practice medicine in this
13 state unless the physician is a licensed genetic counselor.

14 (b) A person may engage in the practice of genetic
15 counseling without holding a license under this chapter if the
16 person:

17 (1) is licensed, certified, or registered to practice
18 in this state in a health care-related occupation and:

19 (A) acts within the occupation's scope of
20 practice; and

21 (B) does not use the title "genetic counselor" or
22 represent or imply the person is licensed as a genetic counselor
23 under this chapter;

24 (2) is a student or intern:

25 (A) pursuing a course of study or engaged in a
26 training program for an occupation regulated by this state and
27 acting within the occupation's scope of practice; or

1 (B) enrolled in a graduate-level supervised
2 genetic counseling training program approved or accepted by the
3 department and engaged in an activity constituting the practice of
4 genetic counseling as a required part of the training program; or

5 (3) is a genetic counselor who:

6 (A) is certified by a certifying entity;

7 (B) is not a resident of this state;

8 (C) performs an activity or provides a service in
9 this state for not more than 30 days during any year; and

10 (D) meets any other requirement established by
11 commission rule.

12 (c) A student or intern described by Subsection (b)(2)
13 includes a person who:

14 (1) is trained as:

15 (A) a genetic counselor and has applied to take
16 the certification examination; or

17 (B) a doctoral medical geneticist and has applied
18 to take the certification examination; and

19 (2) has not failed the certification examination more
20 than twice.

21 SUBCHAPTER B. LICENSED GENETIC COUNSELOR ADVISORY BOARD

22 Sec. 508.051. LICENSED GENETIC COUNSELOR ADVISORY BOARD.

23 (a) The advisory board consists of nine members appointed by the
24 presiding officer of the commission with the approval of the
25 commission, as follows:

26 (1) six licensed genetic counselors, each of whom has
27 at least two years of experience practicing genetic counseling as a

1 genetic counselor and is:

2 (A) licensed under this chapter; or

3 (B) certified by a certifying entity;

4 (2) one physician who has experience with genetic
5 counseling; and

6 (3) two members who represent the public.

7 (b) Appointments to the advisory board shall be made without
8 regard to the race, color, disability, sex, religion, age, or
9 national origin of the appointee.

10 Sec. 508.052. DUTIES OF ADVISORY BOARD. The advisory board
11 shall provide advice and recommendations to the department on
12 technical matters relevant to the administration of this chapter.

13 Sec. 508.053. TERMS; VACANCY. (a) Members of the advisory
14 board serve staggered six-year terms, with the terms of three
15 members expiring February 1 of each odd-numbered year.

16 (b) A member of the advisory board may not serve more than
17 two consecutive six-year terms.

18 (c) If a vacancy occurs during a term of a member of the
19 advisory board, the presiding officer of the commission, with the
20 commission's approval, shall appoint a replacement who meets the
21 qualifications for the vacant position to serve for the remainder
22 of the term.

23 Sec. 508.054. PRESIDING OFFICER. The presiding officer of
24 the commission shall designate a member of the advisory board to
25 serve as the presiding officer of the advisory board for a term of
26 two years. The presiding officer of the advisory board may vote on
27 any matter before the advisory board.

1 Sec. 508.055. MEETINGS. The advisory board shall meet as
2 requested by the presiding officer of the commission or the
3 executive director.

4 Sec. 508.056. GROUNDS FOR REMOVAL. A member of the advisory
5 board may be removed as provided by Section [51.209](#).

6 Sec. 508.057. COMPENSATION; REIMBURSEMENT. (a) A member
7 of the advisory board may not receive compensation for service on
8 the advisory board.

9 (b) A member of the advisory board is entitled to
10 reimbursement for actual and necessary expenses incurred in
11 performing functions as a member of the advisory board, subject to
12 any applicable limitation on reimbursement provided by the General
13 Appropriations Act.

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 508.101. GENERAL POWERS AND DUTIES. (a) The
16 commission shall adopt rules consistent with this chapter for the
17 administration and enforcement of this chapter.

18 (b) The department shall:

19 (1) administer and enforce this chapter;
20 (2) evaluate the qualifications of license
21 applicants;

22 (3) provide for the examination of license applicants;

23 (4) issue licenses;

24 (5) in connection with a hearing under this chapter,
25 issue subpoenas, examine witnesses, and administer oaths under the
26 laws of this state; and

27 (6) investigate persons engaging in practices that

violate this chapter.

Sec. 508.102. CONFIDENTIALITY OF COMPLAINT AND
DISCIPLINARY INFORMATION. (a) Except as provided by Subsection
(b), all information and materials subpoenaed or compiled by the
department in connection with a complaint and investigation are
confidential and not subject to disclosure under Chapter 552,
Government Code, and not subject to disclosure, discovery,
subpoena, or other means of legal compulsion for their release to
anyone other than the department or its employees or agents
involved in discipline of a license holder.

(b) Information described by Subsection (a) may be
disclosed in accordance with Chapter 51 to:

(1) persons involved with the department in a
disciplinary action against a license holder;

(2) a respondent or the respondent's authorized
representative;

(3) a governmental agency, if:

(A) the disclosure is required or permitted by
law; and

(B) the agency obtaining the disclosure protects
the identity of any patient whose records are examined;

(4) a professional genetic counselor licensing or
disciplinary board in another jurisdiction;

(5) peer assistance programs approved by the
commission under Chapter 467, Health and Safety Code;

(6) law enforcement agencies; and

(7) persons engaged in bona fide research, if all

1 individual-identifying information has been deleted.

2 (c) As provided by Chapter 51, notices of alleged violations
3 issued by the department, commission, or executive director, and
4 final disciplinary actions, including warnings and reprimands, by
5 the department, commission, or executive director are not
6 confidential and are subject to disclosure in accordance with
7 Chapter 552, Government Code.

8 (d) Notwithstanding any other law, the requirements of
9 Chapter 51 related to the confidentiality of complaint and
10 investigation information for a health-related program are
11 applicable to complaint and investigation information under this
12 chapter.

13 Sec. 508.103. STANDARDS OF ETHICAL PRACTICE. The
14 commission shall adopt rules under this chapter that establish
15 standards of ethical practice.

16 Sec. 508.104. ASSISTANCE FILING COMPLAINT. The department,
17 in accordance with Section 51.252, shall provide reasonable
18 assistance to a person who wishes to file a complaint with the
19 department regarding a person or activity regulated under this
20 chapter.

21 Sec. 508.105. FEES. The commission by rule shall set fees
22 in amounts reasonable and necessary to cover the costs of
23 administering this chapter.

24 SUBCHAPTER D. LICENSING REQUIREMENTS

25 Sec. 508.151. LICENSE REQUIRED. (a) Except as provided by
26 Section 508.005, a person may not act as a genetic counselor or
27 engage in the practice of genetic counseling in this state unless

1 the person holds a license under this chapter.

2 (b) Except as provided by Section 508.005, unless a person
3 holds a license under this chapter, the person may not:

4 (1) use the title or represent or imply that the person
5 has the title "genetic counselor," "certified genetic counselor,"
6 "licensed genetic counselor," "gene counselor," "genetic
7 consultant," or "genetic associate"; or

8 (2) use any other word, abbreviation, or insignia
9 indicating or implying that the person is a licensed genetic
10 counselor.

11 (c) This chapter may not be construed to prohibit a
12 physician or an employee or other person acting under a physician's
13 delegated authority from representing to a patient or the public
14 that the physician, employee, or person provides genetic
15 counseling.

16 Sec. 508.152. LICENSE APPLICATION. An applicant for a
17 license must:

18 (1) submit an application in the manner and on a form
19 prescribed by the department;

20 (2) successfully complete a state-approved criminal
21 background check; and

22 (3) pay the application fee set by the commission.

23 Sec. 508.153. LICENSE ELIGIBILITY. To be eligible for a
24 genetic counselor license, a license applicant must present
25 evidence to the department that the applicant:

26 (1) has passed an examination by a certifying entity
27 or an equivalent examination in genetic counseling approved by the

1 department;

2 (2) is currently certified by a certifying entity in
3 genetic counseling or medical genetics;

4 (3) has met the educational requirements of a
5 certifying entity, which must include a master's degree in genetic
6 counseling or medical genetics or an equivalent educational
7 standard adopted by the certifying entity;

8 (4) is in compliance with all professional, ethical,
9 and disciplinary standards established by the certifying entity;
10 and

11 (5) is not subject to any disciplinary action by the
12 certifying entity.

13 Sec. 508.154. ISSUANCE OF LICENSE. The department shall
14 issue a genetic counselor license to an applicant who:

15 (1) complies with the requirements of this chapter;
16 (2) meets any additional requirements the commission
17 establishes by rule; and
18 (3) pays the required fees.

19 Sec. 508.155. TERM. A license issued under this chapter
20 expires on the second anniversary of the date of issuance.

21 Sec. 508.156. RENEWAL. Before the expiration of a license,
22 a license may be renewed by:

23 (1) submitting an application for renewal;
24 (2) paying the renewal fee imposed by the commission;
25 and
26 (3) providing verification to the department of
27 continued certification by a certifying entity, which signifies

1 that the applicant for renewal has met any continuing education
2 requirements established by the certifying entity.

3 SUBCHAPTER E. DISCIPLINARY PROCEDURES

4 Sec. 508.201. GROUNDS FOR DISCIPLINARY ACTION. In
5 accordance with Section 51.353, the commission or executive
6 director may deny, revoke, or suspend a license, refuse to renew a
7 license, place on probation a person whose license has been
8 suspended, or reprimand a license holder for a violation of this
9 chapter, a rule adopted under this chapter, or an order of the
10 commission or executive director.

11 SUBCHAPTER F. ENFORCEMENT PROCEDURES

12 Sec. 508.251. ENFORCEMENT PROCEEDINGS. The commission,
13 department, or executive director may enforce this chapter, a rule
14 adopted under this chapter, or an order of the commission or
15 executive director as provided by Subchapters F and G, Chapter 51.

16 SECTION 7.003. (a) As soon as practicable after the
17 effective date of this Act, the presiding officer of the Texas
18 Commission of Licensing and Regulation shall appoint nine members
19 to the Licensed Genetic Counselor Advisory Board in accordance with
20 Chapter 508, Occupations Code, as added by this Act. In making the
21 initial appointments, the presiding officer of the commission shall
22 designate three members for terms expiring February 1, 2021, three
23 members for terms expiring February 1, 2023, and three members for
24 terms expiring February 1, 2025.

25 (b) Notwithstanding Section 508.051, Occupations Code, as
26 added by this Act, a person who meets the requirements of Section
27 508.153, Occupations Code, as added by this Act, may be appointed as

1 an initial licensed genetic counselor member of the Licensed
2 Genetic Counselor Advisory Board, regardless of whether the person
3 holds a license issued under Chapter 508, Occupations Code, as
4 added by this Act.

5 SECTION 7.004. Not later than May 1, 2020, the Texas
6 Commission of Licensing and Regulation shall adopt the rules,
7 procedures, and fees necessary to administer Chapter 508,
8 Occupations Code, as added by this Act.

9 SECTION 7.005. Notwithstanding Chapter 508, Occupations
10 Code, as added by this Act, a person is not required to hold a
11 license under that chapter to practice as a licensed genetic
12 counselor in this state before September 1, 2020.

13 ARTICLE 8. EFFECTIVE DATE

14 SECTION 8.001. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect September 1, 2019.

16 (b) The following provisions, as added by this Act, take
17 effect September 1, 2020:

- 18 (1) Sections 171.0151 and 171.0202, Government Code;
19 (2) Subchapters I, J, and K, Chapter 171, Government
20 Code;
21 (3) Section 508.151, Occupations Code; and
22 (4) Subchapter F, Chapter 508, Occupations Code.